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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,978	01/26/2001	Dimitri Kanevsky	YOR92000042US1(13772)	8004
7590	08/12/2004		EXAMINER	HUYNH, BA
Richard L. Catania Scully, Scott, Murphy & Presser 400 Garden City Plaza Garden City, NY 11530			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

(3)

Office Action Summary	Application No.	Applicant(s)
	09/770,978	KANEVSKY ET AL.
	Examiner	Art Unit
	Ba Huynh	2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 7/22/04
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 and 11-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 14 is/are allowed.
- 6) Claim(s) 1-9,11-13 and 15-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION***Claim Objections***

Claim 1 is objected to because of the following informalities: The phrase “the a plurality of topics” (line 5) appears to have a typographical error. Further “a plurality of topics” is inconsistent with the phrase “ONE or more topics” of line 3.. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7, line 6: The phrase “the information and weighted values” lacks clear antecedent basis.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-9, 11, 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication 2002/0038299 (Zernik et al).

- As for claims 1, 7, 11, 16, 18: Zernik et al teach a computer implemented method and corresponding system, comprising the steps/means for:
 - extracting the topic (category) of a text file by examining words in a file (0019, 0043, 0045),
 - associating the extracted topic with an icon 804 (0025),
 - selecting an icon to represent the text file on the basis of the determined topic of the text file and weight value assigned to the topic (0020, 0047, 0059, 0060 figures 8, 9),
 - displaying the icon.
- As for claim 2: The icon is selected as a closest one from a group of icons to represent the text file (0058).
- As for claim 3: The system includes means for determining several topics and generating several thumbnails for the text file (0042).
- As for claim 5: The icons can be sensed by different senses, e.g., visually inspected or touched by the user (figures 8, 9).
- As for claim 6: The displayed icons facilitate use of a computer by people with vocal and hearing disabilities.
- As for claim 8: The means for extracting content includes means for associating a text file with a language model, and words, keywords, and key phrases counts (0043, 0044), a topic identifier to identify a topic (0045, 0051, 0061), a module that partitions a text in a file by topic count (0062, 0067).

- As for claim 9: Topics are identified using probabilities of words from language models of text in the file and language models for various topics stored in the database (0043, 0045, 0051).
- As for claims 17, 19: Each icon 804 is associated with words (figure 8). The system includes means for identifying the important and significant of the topics associated with the file based on the extracted content (0058). The topics are compared with words in a database to select one of the icons to represent the file (0053, 0054, 0055).
- As for claim 20: advertisement is inherently included in Zernik's teaching of web pages (0011).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-13, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 2002/0038299 (Zernik et al).

- As for claims 12, 13: Zernik et al fail to clearly teach the implementation of voice interface for accessing files. However Official notice is taken that implementation of voice interface for accessing computer information is well known in computer art. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known

implementation of voice interface to Zernik et al. Motivation of the combining is to provide a supplemental interface for those who might need.

- As for claims 21, 22: Zernik et al fail to clearly teach that the user pays less and the advertiser pays manufacturer or seller of the system if advertisements are included. However Official Notice is taken that implementations in which the user pays less and the advertiser pays manufacturer or seller of the system if advertisements are included is well known in electronic advertisement. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the well known implementation that the user pays less and the advertiser pays manufacturer or seller of the system if advertisements are included to Zernik et al. since it readily appears that advertisers are the one who benefit most. Motivation of the combine would have been a fair practice to promote business.

5. Claims 4, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 2002/0038299 (Zernik et al), in view of US patent #6,182,090 (Peairs).

- As for claim 4: A file may have more than one icon representing a topic (0059). Zernik et al fail to clearly teach the generating of a composite icon for a file that has multiple topics. However generating a composite icon for a file is well known as is disclosed by Peairs (figure 2). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Peairs's teaching of generating a composite icon to Zernik's icon

representation of a web page. Motivation of the combining is for representing different topics on the page.

- As for claim 15: Zernik et al teach a computer implemented method comprising the steps of:
 - generating a list of files (0042)
 - extracting the content of each file (0043),
 - attaching a topic to each file (0045),
 - generating icons for the files, i.e., the interactive image associated with a web page (0020, 0059, figures 8, 9),
 - creating an index of topics (0051),
 - creating a list of icons to list files (figures 8, 9).

Zernik et al fail to clearly teach the generating of a composite icon for a file that has multiple topics. However generating a composite icon for a file is well known as is disclosed by Peairs (figure 2). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Peairs's teaching of generating a composite icon to Zernik's icon representation of a web page. Motivation of the combining is for representing different topics on the page.

Allowable Subject Matter

6. Claim 14 is allowed.

Response to Arguments

Art Unit: 2179

7. Applicant's arguments filed have been fully considered but they are not persuasive.

REMARKS:

In response to the argument that Zernik's categories are pre-determined, the categories can be dynamically created as well (0045). Thus weight is also assigned to the dynamically created categories.

As for claim 15, in response to the argument that Zernik does not teach associating an icon with text file based on topics extracted from the file, the extracted topic, i.e., the dynamic assignment of a file to a category, is disclosed by Zernik (0045). In response to the argument that Pairs does not teach an icon that contains many topics that are themselves attached to files based on a word content of the file, icon 100 is disclosed by Pairs as a composite icon that contains topic 104 and 106 of file 100.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (703) 305-9794. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
8/8/04

BA HUYNH
PRIMARY EXAMINER